

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**SAKINAH GREEN INDIVIDUALLY AND ON  
BEHALF OF ALL THE HEIRS AT LAW AND  
WRONGFUL DEATH BENEFICIARIES OF  
MARIO CLARK, DECEASED**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO.: 3:20-cv-00107-HTW- LGI**

**CITY OF JACKSON, MISSISSIPPI  
AND JOHN DOES 1-10**

**DEFENDANTS**

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**CITY OF JACKSON'S  
MOTION TO DISMISS**

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**COMES NOW**, the Defendant, the City of Jackson, Mississippi, (“the City”), by and through the undersigned counsel, pursuant to the Federal Rules of Civil Procedure and other applicable authority, and submits their Motion to Dismiss. In support thereof, the City states as follows:

I.

Plaintiff, Sakinah Green, individually and on behalf of all the heirs at law and wrongful death beneficiaries of Mario Clark, (“Plaintiff”), commenced this action on February 14, 2020 by filing their Complaint and later filing an Amended Complaint on February 17, 2020, in the Circuit Court of Hinds County, Mississippi. In addition to the various state law claims contained in Plaintiffs’ original as well as Amended Complaint, Plaintiffs alleged that the City was subject to suit pursuant to 42 U.S.C. § 1983 and the

Complaint alleged that the City violated Plaintiff's constitutional rights. As a result, the City timely filed a Notice of Removal of said cause of action to Federal Court.

II.

On October 8, 2020 the Court entered an Order granting Plaintiff's Motion to Withdraw as Attorney [Doc. No. 19]. According to the Court's Order, counsel for Plaintiff had fourteen (14) days from the entry of the order to serve the order on the Plaintiff and file a certificate of such service with the Court. In addition, the Court gave Plaintiff until November 23, 2020 to retain counsel and have that counsel enter an appearance or notify the clerk that Plaintiff will proceed pro se.

III.

To date, Plaintiff's counsel failed to file a certificate with the Court indicating that he has served the Plaintiff with a copy of the Court's Order.

IV.

The Court's Order further stated that should Plaintiff fail to retain counsel or notify the clerk of her intention to represent herself before November 23, 2020, then her case could be dismissed. To date, Plaintiff has failed to either retain counsel and have said counsel enter an appearance or notify the clerk of her intention to proceed pro se. As such, the City respectfully requests that the Court enter an order dismissing the present cause of action.

V.

Due to the simplicity of the present motion, the City respectfully request that this Court waive the supporting Memorandum requirement as set forth in L.U.Civ.R. 7(b)(4).

**WHEREFORE, PREMISES CONSIDERED**, the City of Jackson prays that this Court enter an Order dismissing Plaintiff's suit. And, the City of Jackson prays for any other such relief this Court deems appropriate.

Respectfully submitted this the 15<sup>th</sup> day of January, 2021.

**CITY OF JACKSON, MISSISSIPPI**

By: /s/ LaShundra Jackson-Winters  
LaShundra Jackson-Winters, MSB # 101143  
Deputy City Attorney

OF COUNSEL:

**OFFICE OF THE CITY ATTORNEY**

455 East Capitol Street  
Post Office Box 2779  
Jackson, Mississippi 39207-2779  
601.960.1799 telephone  
601.960.1756 facsimile  
*Attorneys for the Defendants*

**CERTIFICATE OF SERVICE**

I, LaShundra Jackson-Winters, one of the attorneys for the City of Jackson, do hereby certify that I have this day delivered a true and correct copy of the above and foregoing document, via ECF filing to the following:

All Counsel of Record.

So certified, this the 15<sup>th</sup> day of January, 2021.

By: /s/ LaShundra Jackson-Winters  
LaShundra Jackson-Winters